

EXHIBIT F

*Sioux Steel Company v.
KC Engineering, P.C.*

Derek Matthies, PE
February 27, 2017



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<p>1 or non-free-flowing?</p> <p>2 A Yes.</p> <p>3 Q Correct?</p> <p>4 A Correct.</p> <p>5 Q Now, if a hopper cannot be designed to tolerate the pressures of reasonable, foreseeable uses, then the risk of failure must be guarded to prevent injury to workers; is that correct?</p> <p>6 MR. TOBIN: Object to the form of the question.</p> <p>7 You can answer if you can.</p> <p>8 THE WITNESS: I guess I don't understand the --</p> <p>9 BY MR. GOODSELL:</p> <p>10 Q Okay. If a hopper cannot be designed to tolerate the pressures of reasonable, foreseeable uses, then the risk of failure must be guarded to prevent injury to workers?</p> <p>11 MR. TOBIN: Same objection.</p> <p>12 THE WITNESS: I would say, yes, the hopper needs to be designed for worst-case scenario.</p> <p>13 BY MR. GOODSELL:</p> <p>14 Q Now, if the designed hopper is subject to foreseeable misuse or is limited to specific designated uses, then the design reviewer must warn the client of the limitations?</p> <p>15 MR. TOBIN: Same objection.</p>	<p>1 engineering document prepared for KC's client, correct?</p> <p>2 A Yes.</p> <p>3 Q The term "in responsible charge" means having direct control of and personal supervision over any work involving the practice of engineering, correct?</p> <p>4 A Yes.</p> <p>5 Q A licensed professional engineer submitting a report, an engineering document, on a structural engineering design review of drawings and specifications cannot rely upon the work of the client; is that correct?</p> <p>6 A I guess, could you say that again?</p> <p>7 Q A licensed professional engineer submitting a report on a structural engineering design review of drawings with specifications cannot rely upon the work of the client?</p> <p>8 A You would do your own review, yes.</p> <p>9 Right. And as a licensed professional, you're required to do your own review, correct?</p> <p>10 A Yes.</p> <p>11 Q You can't adopt somebody else's work and say, "This is my report"?</p> <p>12 A Right.</p> <p>13 Q Now, does Iowa require an engineering document that's submitted to a client to contain a certification block for a seal by the licensed professional engineer in charge?</p>
<p>1 THE WITNESS: Yes.</p> <p>2 BY MR. GOODSELL:</p> <p>3 Q Safety determines design, correct?</p> <p>4 A Correct.</p> <p>5 Q An engineer has a duty to focus primarily on safety, correct?</p> <p>6 A Correct.</p> <p>7 Q An engineer's primary focus is safety regardless of pressure that may come from a client, correct?</p> <p>8 A Correct.</p> <p>9 Q A grain bin hopper is a generic term used in the industry to describe steel bins for storage and handling of agricultural commodities?</p> <p>10 A I would agree with that, yeah.</p> <p>11 Q It's the duty of a licensed professional engineer to warn his client if potential uses or misuses can cause a structure to fail?</p> <p>12 A Yes.</p> <p>13 Q And I want to talk to you a little bit about some terms. The term engineering document, that includes all reports if the preparation requires the practice of engineering. Would that be an accurate description of engineering documents?</p> <p>14 A Yes.</p> <p>15 Q And KC's report to Sioux Steel, <u>Exhibit 9</u> and 19, is an</p>	<p>1 A If it's submitted in Iowa.</p> <p>2 Q And what about a submittal in South Dakota?</p> <p>3 A If it's for the state of South Dakota, if you're going to stamp documents that are going to be billed in South Dakota for South Dakota. It depends which review board will be reviewing the drawings.</p> <p>4 Q So it's your understanding that an engineering document that goes to a client in South Dakota as a report, such as what you have in <u>Exhibit 9</u> and 19, does not have to be under seal?</p> <p>5 A It would be -- that's how I would put it, because it could be sold in other states in which case those -- the stamp would have to correspond with each state.</p> <p>6 Q Is that under South Dakota or Iowa then or both?</p> <p>7 A I guess I'm confused of the question.</p> <p>8 Q Perhaps I'm confused on the answer. Is it your answer that if it's under seal, it has to meet --</p> <p>9 A The code requirements of that specific jurisdiction.</p> <p>10 Q Which would be South Dakota or Iowa, one or the other, right, here?</p> <p>11 A Well, see, normally it's like buildings, building being built in Iowa, you stamp it and that jurisdiction reviews it.</p> <p>12 Q Correct.</p> <p>13 A But if this is going to be sold in Texas, then it might</p>